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D E F E N C E
OF THE
S T A T U T E

PASSED IN THE
FORTY-THIRD YEAR OF ELIZABETH,
CONCERNING
THE EMPLOYMENT AND RELIEF
OF THE POOR:

WITH PROPOSALS FOR ENFORCING IT.

“ Et omnes Comites, et Barones, una voce responderunt, quod
“ nolunt leges Angliæ mutare quæ *usitate* sunt et *approbate*.”

STAT. DE MERTON, c. 9.



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D E F E N C E  
OF THE  
S T A T U T E

Passed in the 43d Year of ELIZABETH,

CONCERNING

THE EMPLOYMENT AND RELIEF  
OF THE POOR:

WITH PROPOSALS FOR ENFORCING IT.

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**A**S it is apprehended, it equally meets the wishes as the credit of the legislature, that the new code of laws respecting the regulation of the Poor, should be as fully as possible an aggregate of the knowledge and experience of the nation on that important topic of our internal police; the following observations which tend to solicit a further trial of the 43d of Elizabeth, and the subsequent Statutes as far as they respect the employment and relief of the poor, with stronger and more coercive means of enforcing a due and strict execution of them, will, it is hoped, meet with the candid attention of the public.

To offer an historical detail of the situation of the poor, and the laws and usages in force with respect to their employment and relief, anterior to the forty-third year of the reign of Elizabeth, is not necessary to this investigation, it is sufficient to have recourse to the Statute passed in that year, as



the great outline of every regulation of our forefathers on the subject, from the day of its date to the present times ; It appears to be a masterly production of the age, which concentrates in a point all the knowledge and experience of the realm, at the time it became the law of the land : It is a wise, humane, and magnificent code, and would, like many a venerable gothic pile in the kingdom, fully, and for many years to come, answer well the charitable and pious purposes for which it was constructed by our forefathers ; if those who have the management of its revenues, would employ them to the purposes intended by the respectable founders, by keeping each part in constant repair and daily use ; instead of which, it suffers like some of those venerable and more antient monuments of our forefathers piety and munificence ; in many instances from interested motives, in more from indolence and neglect.

But let us examine it nearly, and survey each part with attention, for it will bear the test of the minutest investigation, and let us enquire how far it is made use of, and in what instances neglected.

*“ Anno quadragesimo tertio Regina Elizabethæ.*

*“ AT the parliament begun and bolden at Westminster the seven and twentieth day of October in the three and fortieth year of the reign of our most gracious sovereign lady Elizabeth, by the grace of God, of England, France and Ireland, Queen, defender of the faith, &c. And there continued until the dissolution thereof, being the nineteenth of December next following, one thousand six hundred one; To the high pleasure of Almighty God, and the weal publick of this realm, were enacted as followeth.*

## CAP. II.

*“ An act for the Relief of the Poor.*

*“ **B**E it enacted by the authority of this present parliament, That the church-wardens of every parish, and four, three or two substantial householders there, as shall be thought meet, having respect to the proportion and greatness of the same parish and parishes, to be nominated yearly in *Easter* week, or within one month after *Easter*, under the hand and seal of two or more justices of the peace in the same county, whereof one to be of the *quorum*, dwelling in or near the same parish or division where the same parish doth lie, shall be called overseers of the poor of the same parish : and they, or the greater part of them, shall take order from time to time, by*

and with the consent of two or more such justices of peace as is aforeſaid, for ſetting to work the children of all ſuch whoſe parents ſhall not by the ſaid church-wardens and overſeers, or the greater part of them, be thought able to keep and maintain their children ; and alſo for ſetting to work all ſuch perſons, married or unmarried, having no means to maintain them, and uſe no ordinary and daily trade of life to get their living by : and alſo to raiſe weekly or otherwiſe (by taxation of every inhabitant, parſon, vicar and other, and of every occupier of lands, houſes, tithes impropriate, propriations of tithes, coal-mines, or ſaleable underwoods in the ſaid pariſh, in ſuch competent ſum and ſums of money as they ſhall think fit) a convenient ſtock of flax, hemp, wool, thread, iron and other neceſſary ware and ſtuff, to ſet the poor on work : and alſo competent ſums of money for and towards the neceſſary relief of the lame, impotent, old, blind, and ſuch other, among them, being poor and not able to work, and alſo for the putting out of ſuch children to be apprentices, to be gathered out of the ſame pariſh, according to the ability of the ſame pariſh, and to do and execute all other things, as well for the diſpoſing of the ſaid ſtock as otherwiſe concerning the premiſſes, as to them ſhall ſeem convenient.”

Is all this Section put in practice every where ?  
Is it generally put in practice any where ? Do the church-wardens or overſeers *take order* from time to time,



time, for setting such children to work ? Do they raise weekly, or otherwise, a stock of hemp, flax, wool, thread, iron, or other necessary ware or stuff to set the poor at work ?

II. "Which said church-wardens and overseers so to be nominated, or such of them as shall not be lett by sickness or other just excuse, to be allowed by two such justices of peace or more as is aforesaid, shall meet together at the least once every month in the church of the said parish, upon the *Sunday* in the afternoon after divine service, there to consider of some good course to be taken, and of some meet order to be set down in the premisses ; (2) and shall within four days after the end of their year, and after other overseers nominated as aforesaid, make and yield up to such two justices of peace as is aforesaid, a true and perfect account of all sums of money by them received, or rated and assessed and not received, and also of such stock as shall be in their hands, or in the hands of any of the poor to work, and of all other things concerning their said office ; (3) and such sum or sums of money as shall be in their hands, shall pay and deliver over to the said church-wardens and overseers newly nominated and appointed as aforesaid ; (4) upon pain that every one of them absenting themselves without lawful cause as aforesaid, from such monthly meeting for the purpose aforesaid, or being negligent in their office, or in the execution of the orders aforesaid,

being made by and with the assent of the said justices of peace, or any two of them before-mentioned, to forfeit for every such default of absence or negligence twenty shillings."

Do the overseers meet according to this Section once a month on the Sunday afternoon, in the chancel of the church? Do they deliver to the justices a *true and perfect account*? Are any forfeitures incurred under this Section ever levied?

III. "And be it also enacted, That if the said justices of peace do perceive, that the inhabitants of any parish are not able to levy among themselves sufficient sums of money for the purposes aforesaid; That then the said two justices shall and may tax, rate and assess as aforesaid, any other of other parishes, or out of any parish, within the hundred where the said parish is, to pay such sum and sums of money to the church-wardens and overseers of the said poor parish for the said purposes, as the said justices shall think fit, according to the intent of this law: (2) and if the said hundred shall not be thought to the said justices able and fit to relieve the said several parishes not able to provide for themselves as aforesaid; Then the justices of peace at their general quarter-sessions or the greater number of them, shall rate and assess as aforesaid, any other of other parishes, or out of any parish, within the said county for the purposes aforesaid, as in their discretion shall seem fit."

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It is apprehended there are not many instances where other parishes are called in aid to assist such parishes as are not able to relieve their own poor ; where such instances happen, it is taken for granted this Section is complied with.

IV. " And that it shall be lawful, as well for the present as subsequent church-wardens and overseers, or any of them, by warrant from any two such justices of peace, as is aforesaid, to levy as well the said sums of money, and all arrearages, of every one that shall refuse to contribute according as they shall be assessed, by distress and sale of the offender's goods, as the sums of money or stock which shall be behind upon any account to be made as aforesaid, rendering to the parties the overplus ; (2) and in defect of such distress, it shall be lawful for any such two justices of the peace to commit him or them to the common goal of the county, there to remain without bail or mainprize until payment of the said sum, arrearages and stock : (3) and the said justices of peace, or any one of them, to send to the house of correction or common goal, such as shall not employ themselves to work, being appointed thereunto, as aforesaid : (4) and also any such two justices of peace to commit to the said prison every one of the said church-wardens and overseers which shall refuse to account, there to remain without bail or mainprize until he have made a true account, and satisfied and paid so much as upon the said account shall be remaining in his hands."



The former part of this Section being the means for enforcing the payment of the money assessed, it is supposed is put in practice when necessary ; respecting those clauses distinguished by (3) and (4) the same enquiry should be made as concerning the preceding Sections.

V. “ And be it further enacted, That it shall be lawful for the said church-wardens and overseers, or the greater part of them, by the assent of any two justices of the peace aforesaid, to bind any such children, as aforesaid, to be apprentices, where they shall see convenient, till such man-child shall come to the age of four and twenty years, and such woman-child to the age of one and twenty years, or the time of her marriage ; the same to be as effectual to all purposes, as if such child were of full age, and by indenture of covenant bound him or her self. (2) And to the intent that necessary places of habitation may more conveniently be provided for such poor impotent people ; (3) be it enacted by the authority aforesaid, That it shall and may be lawful for the said church-wardens and overseers, or the greater part of them, by the leave of the lord or lords of the manor, whereof any waste or common within their parish is or shall be parcel, and upon agreement before with him or them made in writing, under the hands and seals of the said lord or lords, or otherwise, according to any order to be set down by the justices of peace of the said county,  
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at their general quarter-sessions, or the greater part of them, by like leave and agreement of the said lord or lords in writing under his or their hands and seals, to erect, build, and set up in fit and convenient places of habitation in such waste or common, at the general charges of the parish, or otherwise of the hundred or county, as aforesaid, to be taxed, rated and gathered in manner before expressed, convenient houses of dwelling for the said impotent poor; (4) and also to place inmates, or more families than one in one cottage or house; one act made in the one and thirtieth year of her Majesty's reign, intituled, *An Act against the erecting and maintaining of cottages*, or any thing therein contained to the contrary notwithstanding: (5) which cottages and places for inmates shall not at any time after be used or employed to or for any other habitation, but only for impotent and poor of the same parish, that shall be there placed from time to time by the church-wardens and overseers of the poor of the same parish, or the most part of them, upon the pains and forfeitures contained in the said former act made in the said one and thirtieth year of her Majesty's reign."

There is great complaint in country parishes that the poor are not willing their children should be bound apprentice according to the directions in this Section, nor are the young people on their parts willing to be bound, which it is apprehended, arises principally

cipally from the length of time the contract is in force, which prevents such apprentices being of service to their parents, or establishing themselves in the world till too advanced an age; the males till 24, the females till 21, or day of marriage. The amazing advances this nation has made in trade, commerce, and manufactures; which has occasioned a proportional early improvement of the inventive and imitative faculties of the mind, and a corresponding additional value of the time and labour of youth, has rendered this rule, which in the remote days of Elizabeth was a wise and prudent regulation; rather a hardship on the present rising generation, which is in fact evaded in practice, by an agreement often indorsed on the back of the indentures; that the remainder of the young man's time shall be given up by the master, at the age of 21: but no rules should remain in the Statutes, which render evasions necessary to common justice or policy. It were better that this should be altered, since justice requires it, as it is very certain that the services of young people from the age of 18 years upwards, are considerably more than an equivalent to the master for their maintenance, and indeed from the age of 14 to 18, it is apprehended that their services are a full and sufficient recompence; it is also to be considered, that parishes often give a small sum of money with the apprentice, this, together with the consideration that they are subject to



to the controul of magistrates, renders them more desirable servants than young people hired at that age by the year, over whom, except servants in husbandry, some manufactures, and mechanics, the legislature has given to their masters no controul whatever, but has left their whole conduct to be regulated by no other rule than general Statutes for the punishment of crimes, and the maxims of the common law."

Although in many parishes in the kingdom, if not universally, cottages or dwellings for the poor are much wanted; yet so much of this Section as respects building of cottages on the wastes, with leave of the lord of the manor, is seldom enforced; the reason is obvious; to carry the intent of this part of the Section into execution, the fund directed to be raised, is not raised; and the amount of the poor's rates is annually expended in their maintenance, of course no money remains in hand to answer this wise and humane purpose.

VI. "Provided always, That if any person or persons shall find themselves grieved with any sels or tax, or other act done by the said church-wardens and other persons, or by the said justices of peace; that then it shall be lawful for the justices of the peace at their general quarter-sessions, or the greater number of them, to take such order therein, as to them shall be thought convenient; and the same to conclude and bind all the said parties."

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It is apprehended the rules contained in this Section still remain in use, and supply the quarter-sessions with some part of their business.

VII. And be it further enacted, That the father and grandfather, and the mother and grandmother, and the children of every poor, old, blind, lame and impotent person, or other poor person not able to work, being of a sufficient ability, shall, at their own charges, relieve and maintain every such poor person in that manner, and according to that rate, as by the justices of peace of that county where such sufficient persons dwell, or the greater number of them, at their general quarter-sessions shall be assessed; (2) upon pain that every one of them shall forfeit twenty shillings for every month which they shall fail therein."

An enquiry throughout the kingdom how far this Section is in general use, must appear to every one to be very necessary, as it is apprehended, and with too much reason, that the church-wardens and overseers do not in the manner intended by the act, yield up a *true and perfect account* of all sums of money received, and *of all other things concerning their office*, there is consequently an opportunity for them to favour such parents, and children of the poor as they may be inclined to, either from interest, natural affection, or other partial motives. If the first Section was strictly enforced, the rule contained in this Section, would answer the wise and prudent intent of the legislature.

VIII. "And

VIII. " And be it further hereby enacted, That the mayors, bailiffs, or other head officers of every town and place corporate and city within this realm, being justice or justices of peace, shall have the same authority by virtue of this act, within the limits and precincts of their jurisdictions, as well out of sessions, as at their sessions, if they hold any, as is herein limited, prescribed and appointed to justices of the peace of the county, or any two or more of them, or to the justices of peace in their quarter-sessions, to do and execute for all the uses and purposes in this act prescribed, and no other justice or justices of peace to enter or meddle there : (2) and that every alderman of the city of *London* within his ward, shall and may do and execute in every respect so much as is appointed and allowed by this act to be done and executed by one or two justices of peace of any county within this realm.

IX. " And be it also enacted, That if it shall happen any parish to extend it self into more counties than one, or part to lie within the liberties of any city, town or place corporate, and part without, That then as well the justices of peace of every county, as also the head officers of such city, town or place corporate shall deal and intermeddle only in so much of the said parish as lieth within their liberties, and not any further : (2) and every of them respectively within their severall limits, wards and jurisdictions, to execute the ordinances before-mentioned



mentioned concerning the nomination of overseers, the consent to binding apprentices, the giving warrant to levy taxations unpaid, the taking account of church-wardens and overseers, and the committing to prison such as refuse to account, or deny to pay the arrearages due upon their accounts; (3) and yet nevertheless, the said church-wardens and overseers, or the most part of them, of the said parishes that do extend into such several limits and jurisdictions, shall, without dividing themselves, duly execute their office in all places within the said parish, in all things to them belonging, and shall duly exhibit and make one account before the said head officer of the town or place corporate, and one other before the said justices of peace, or any such two of them, as is aforesaid."

There is no doubt but these Sections are now made the rule of action by the respective officers of corporate towns, aldermen of London, and magistrates, as far as they relate to their respective jurisdictions, and the particular situations of parishes.

X. "And further be it enacted by the authority aforesaid, That if in any place within this realm there happen to be hereafter no such nomination of overseers yearly, as is before appointed, That then every justice of peace of the county, dwelling within the division where such default of nomination shall happen, and every mayor, alderman and head officer  
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of city, town or place corporate where such default shall happen, shall lose and forfeit for every such default five pounds, to be employed towards the relief of the poor of the said parish or place corporate, and to be levied, as aforesaid, of their goods, by warrant from the general sessions of the peace of the said county, or of the same city, town or place corporate, if they keep sessions.

XI. " And be it also enacted by the authority aforesaid, That, all penalties and forfeitures before-mentioned in this act to be forfeited by any person or persons, shall go and be employed to the use of the poor of the same parish, and towards a stock and habitation for them, and other necessary uses and relief as before in this act are mentioned and expressed : (2) and shall be levied by the said churchwardens and overseers, or one of them, by warrant from any two such justices of peace, or mayor, alderman, or head officer of city, town or place corporate respectively within their several limits, by distress and sale thereof, as aforesaid ; (3) or in defect thereof, it shall be lawful for any two such justices of peace, and the said aldermen and head officers within their several limits, to commit the offender to the said prison, there to remain without bail or mainprize till the said forfeitures shall be satisfied and paid."

It is apprehended that in general throughout the kingdom, there is no stock or fund raised to employ  
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the poor, or to build them habitations. This neglect has probably occasioned the church-wardens and overseers on their parts, and the magistrates also, to be negligent and remiss in raising any money from penalties and forfeitures; besides it is conceived that all officers and magistrates concerned in putting this act into force, being conscious of such neglect; a mutual forbearance has taken place, and the intent and spirit of the act in this respect is rendered totally useless, of consequence the rule in the 11th Section, how to apply the money so raised, is rendered vain and nugatory.

XII. " And be it further enacted by the authority aforesaid, That the justices of peace of every county or place corporate, or the more part of them, in their general sessions to be holden next after the feast of *Easter* next, and so yearly as often as they shall think meet, shall rate every parish to such a weekly sum of money as they shall think convenient; (2) so as no parish be rated above the sum of six-pence, nor under the sum of a half-penny, weekly to be paid, and so as the total sum of such taxation of the parishes in every county amount not above the rate of two pence for every parish within the said county; (3) which sums so taxed shall be yearly assessed by the agreement of the parishioners within themselves; or in default thereof, by the church-wardens and petty constables of the same parish, or the more part of them: or in default of their agreement, by the order



order of such justice or justices of peace as shall dwell in the same parish, or (if none be there dwelling) in the parts next adjoining.

XIII. “ And if any person shall refuse or neglect to pay any such portion of money so taxed, it shall be lawful for the said church-wardens and constables, or any of them, or in their default, for any justice of peace of the said limit, to levy the same by distress and sale of the goods of the party so refusing or neglecting, rendring to the party the overplus: (2) and in default of such distress, it shall be lawful to any justice of that limit to commit such person to the said prison, there to abide without bail or mainprize till he have paid the same.

XIV. “ And be it also enacted, That the said justices of peace at their general quarter-sessions to be holden at the time of such taxation, shall set down what competent sums of money shall be sent quarterly out of every county or place corporate, for the relief of the poor prisoners of the King’s-Bench and Marshalsea, and also of such hospitals and alms-houses as shall be in the said county, and what sums of money shall be sent to every one of the said hospitals, and alms-houses, so as there be sent out of every county yearly twenty shillings at the least, to each of the said prisons of the King’s-Bench and Marshalsea; (2)

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which sums ratably to be assessed upon every parish, the church-wardens of every parish shall truly collect and pay over to the high constables in whose division such parish shall be situate, from time to time, quarterly, ten days before the end of every quarter; (3) and every such constable at every such quarter-sessions in such county, shall pay over the same to two such treasurers, or to one of them, as shall by the more part of the justices of peace of the county be elected to be the said treasurers, to be chosen by the justices of peace of the said county, city or town, or place corporate, or of others which were assessed and taxed at five pounds lands, or ten pounds goods at the least, at the tax of subsidy next before the time of the said election to be made; (4) and the said treasurers so elected to continue for the space of one whole year in their office, and then to give up their charge, with a due account of their receipts and disbursements, at the quarter-sessions to be holden next after the feast of *Easter* in every year, to such others as shall from year to year, in form aforesaid, successively be elected treasurers for the said county, city, town or place corporate; (5) which said treasurers, or one of them, shall pay over the same to the lord chief justice of *England*, and knight marshal for the time being, equally to be divided to the use aforesaid, taking their acquittance for the same, or in default

fault of the said chief justice, to the next antientest justice of the King's Bench, as aforesaid : (6) and if any church-warden or high constable, or his executors or administrators, shall fail to make payment in form above specified, then every church-warden, his executors or administrators, so offending, shall forfeit for every time the sum of ten shillings ; (7) and every high constable, his executors or administrators, shall forfeit for every time the sum of twenty shillings ; (8) the same forfeitures, together with the sums behind, to be levied by the said treasurer and treasurers by way of distress and sale of the goods as aforesaid, in form aforesaid, and by them to be employed towards the charitable uses comprised in this act.

XV. " And be it further enacted, That all the surplussage of money which shall be remaining in the said stock of any county, shall by discretion of the more part of the justices of peace in their quarter-sessions, be ordered, distributed and bestowed for the relief of the poor hospitals of that county, and of those that shall sustain losses by fire, water, the sea or other casualties, and to such other charitable purposes, for the relief of the poor, as to the more part of the said justices of peace shall seem convenient."

These sections fall not immediately under consideration, as they regulate and direct the raising and managing the fund, for the purposes of county



expences, which are now defrayed out of the poors' rate, although intended by the legislature to be kept distinct, and a separate fund is accordingly by these preceding Sections directed to be raised and applied for these purposes; it is apparent by the 15th Section particularly, that such was the intention of the legislature, because the act directs the application of the surplus of the money raised, if any, not in aid of the poors' general fund, but to the relief of those that shall sustain losses by fire, water, the sea or other casualties; an assertion may, therefore, be ventured, that these Sections are not at this time in use.

XVI. " And be it further enacted, That if any treasurer elected shall wilfully refuse to take upon him the said office of treasurership, or refuse to distribute and give relief, or to account, according to such form as shall be appointed by the more part of the said justices of peace; That then it shall be lawful for the justices of peace in their quarter-sessions, or in their default, for the justices of assize at their assizes to be holden in the same county, to fine the same treasurer by their discretion; (2) the same fine not to be under three pounds, and to be levied by sale of his goods, and to be prosecuted by any two of the said justices of peace whom they shall authorize. (3) Provided always, That this act shall not take effect until the feast of *Easter* next.

XVII.

XVII. “ And be it enacted, That the statute made in the nine and thirtieth year of her Majesty’s reign, intituled, *An act for the relief of the poor*, shall continue and stand in force until the feast of *Easter* next; (2) and that all taxations heretofore imposed and not paid, nor that shall be paid before the said feast of *Easter* next, and that all taxes hereafter before the said feast to be taxed by virtue of the said former act, which shall not be paid before the said feast of *Easter*, shall and may after the said feast of *Easter* be levied by the overseers and other persons in this act respectively appointed to levy taxations, by distress, and by such warrant in every respect, as if they had been taxed and imposed by virtue of this act, and were not paid.

XVIII. “ Provided always, That whereas the island of *Fowlness* in the county of *Essex*, being environed with the sea, and having a chapel of ease for the inhabitants thereof, and yet the said island is no parish, but the lands in the same are situated within divers parishes far distant from the said island; (2) be it therefore enacted by the authority aforesaid, That the said justices of peace shall nominate and appoint inhabitants within the said island, to be overseers for the poor people dwelling within the said island, and that both they the said justices and the said overseers shall have the same power and authority to all intents, considerations and purposes for the execution of the parts

and articles of this act, and shall be subject to the same pains and forfeitures, and likewise that the inhabitants and occupiers of lands there shall be liable and chargeable to the same payments, charges, expences and orders, in such manner and form as if the same island were a parish; (3) in consideration whereof, neither the said inhabitants or occupiers of land within the said island, shall not be compelled to contribute towards the relief of the poor of those parishes wherein their houses or lands which they occupy within the said island are situated, for or by reason of their said habitation or occupiyings, other than for the relief of the poor people within the said island, neither yet shall the other inhabitants of the parishes wherein such houses or lands are situated be compelled, by reason of their residency or dwelling, to contribute to the relief of the poor inhabitants within the said island.

XIX. " And be it further enacted, That if any action of trespass or other suit shall happen to be attempted and brought against any person or persons, for taking of any distress, making of any sale, or any other thing doing, by authority of this present act, the defendant or defendants in any such action or suit shall and may either plead not guilty, or otherwise make avowry, cognisance or justification for the taking of the said distresses, making of sale, or other thing doing by virtue of  
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this act, alledging in such avowry, cognisance or justification, That the said distress, sale, trespass or other thing whereof the plaintiff or plaintiffs complained, was done by authority of this act, and according to the tenor, purport and effect of this act, without any expressing or rehearsal of any other matter or circumstance contained in this present act: (2) to which avowry, cognisance or justification, the plaintiff shall be admitted to reply, That the defendant did take the said distress, made the said sale, or did any other act or trespass supposed in his declaration, of his own wrong, without any such cause alledged by the said defendant; (3) whereupon the issue in every such action shall be joined, to be tried by verdict of twelve men, and not otherwise, as is accustomed in other personal actions: (4) and upon the trial of that issue, the whole matter to be given on both parties in evidence, according to the very truth of the same; (5) and after such issue tried for the defendant, or nonsuit of the plaintiff after appearance, the same defendant to recover treble damages, by reason of his wrongful vexation in that behalf, with his costs also in that part sustained, and that to be assessed by the same jury, or writ to enquire of the damages, as the same shall require.

XX. " Provided always, That this act shall endure no longer than to the end of the next session of parliament. 3 Car. I. c. 4. *Continued until the end*

*of the first session of the next parliament, and farther continued by, 16 Car. I. c. 4."*

The use of the 1st of these Sections is at an end. The 2d, which regulates the management of the poor in the island of Fowlness, it is supposed, may have its due effect, and be at this day the rule of conduct, as far as the locality of the directions extend. The two last Sections shall be taken notice of in another part of these observations.

Having inserted every Section in this Statute, and ventured some strictures on those which more immediately respect the management of the poor, in the material articles of their employment, habitations, relief, accounts of overseers, and the compulsive means of enforcing by fines an observance of the act; the next step into our progress leads to the inspection of the supports and convenient additions this truly respectable edifice hath continued to receive from the wisdom of following ages, which have uniformly considered it as part of our excellent constitution; the first instance of their attention to the subject occurs to us as soon as the spirits of the nation had subsided, after those turbulent times which brought one of our princes to the block, and had left our legislators leisure to attend to the regulation of the internal police of the kingdom; they then perceived an inconvenience had arisen from the *general good effect* experienced by a due observance of this Statute; as an extract from  
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the preamble to the 13 and 14 *Car. II. cap. 12.* will plainly demonstrate ; which states that “ Whereas poor people are not restrained from going from one parish to another, and, therefore, do endeavour to settle themselves, where there is the *best stock*, and largest commons, and wastes to build cottages.” What stronger proof can the legislature require of the good effects arising from the enforcing the 2d Section of this venerable code of regulations ? For it appears by this preamble, that a good stock of materials to work up, and a chance of obtaining habitations to shelter themselves in, occasioned the poor to migrate from those parishes where the churchwardens and overseers were negligent in these matters, to other parishes where they had a chance of a domicile and employment ; this is the first act, which respects the *settlements* of the poor ; but does not in any instance prove an alteration at this time to have been necessary to the 43d of Elizabeth, nor does it attempt one, and may with no impropriety be called a useful and necessary addition to that venerable edifice, comprehending in it, the origin of settlements, workhouses, and the laws respecting rogues and vagabonds, together with regulations respecting the maintenance of natural children.

A few years more passed away, and the legislature again turned their attention to the poor laws, as far as they respect the city and liberties of Westminster, and county of Middlesex, and regulated the raising  
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and payment of the poors' rates, within those districts, but left the act of Elizabeth untouched.

Upwards of twenty years experience of the good effects of the 43d of Elizabeth, passed from the date of the last mentioned act, before any other regulation respecting the poor was thought necessary, and what was then found expedient, arose from the *partial and improper distribution* of the money raised for the relief of the poor, by virtue of this celebrated Statute ; and not from any fault in the regulations contained in it; as may be observed by the preambles to the 11th and 12th Sessions of 3 W. & M. c. 2. "Whereas many inconveniencies do daily arise in cities, towns corporate, and parishes where the inhabitants are very numerous, by reason of the unlimited power of the churchwardens and overseers of the poor, who do frequently on frivolous pretences, (but chiefly for their own private ends) give relief to what persons and number they think fit, and such persons being entered into the collection bill, do become after that a great charge to the parish, notwithstanding the occasion, or pretence of their receiving collection oftentimes ceases, by which means the rates for the poor are daily increased, contrary to the true intent of the Statute, made in the forty-third year of the reign of her Majesty Queen Elizabeth." This Section proceeds to direct, that a register should be kept of the admittances of the poor, and that the parishioners should  
yearly,

yearly, in *Easter* week, make a list of the poor, and that none but those on the list should receive alms, except by the order of one justice of the peace; the preamble of the following Section of the same act states, the misapplication of the parish money by the churchwardens and overseers; as the cause for the enacting part: which directs the evidence of parishioners (except almsmen) to be admissible evidence, who being parties concerned, were not, by the rules of evidence, in actions at law.

Excellent regulations were these, but had the original Statute been constantly every where put in execution, they would not have been necessary, and much is it to be feared, that these regulations themselves, as far at least as respect the eleventh Section, are become a dead letter, and cease to be put in use; but let an enquiry be made.

A short time passed between this addition to the corner stone of the system, before the attention of parliament was again called forth on the subject, and the wisdom of the legislature produced 8 and 9. *W. III. c. 30.* which contains additional regulations, with respect to settlements and certificates, and also a further guard against improper distributions of the money, raised for the employment and relief of the poor.

The 2d Section of this act, "to the end that the money raised only for the relief of those who are

as well impotent, as poor may not be misapplied, and consumed by the idle," enacts, that persons receiving alms, shall wear a badge on the shoulder of the right sleeve, with a large roman P, and the first letter of the parish to which they belong, and enforced the direction by a penalty on the poor person refusing to wear the badge, and on the parish-officer for relieving without one.

The reflection arising from this Section, must be obvious to every one ; that parliament having tried all other means to prevent improper distributions of the money raised for the poor, called to their assistance, the laudable principles of manly and decent pride, inherent in all human breasts, as a further sanction to the sacred and only proper distribution of their revenue ; conceiving such a mark, might assist to keep the overseer from partial distributions, and those who could maintain themselves by honest labour, from improper solicitations. But where is this regulation enforced ? What magistrate recollects an application for the penalty ?

From this period, the Statutes already enacted on this important subject seemed adequate to the point they aimed at, and no further notice did the legislature take of the poor laws, until the twelfth of *Ann*, when the act of 13 and 14, *c.* 2. having been continued from time to time, and been experienced to be effectual for the purposes intended, it was made perpetual.



Five years after this Statute we find, 5 *Geo. I.* c. 8. for the more effectual relief of such wives and children of the poor, as are left by their husbands or parents a charge on the parish; by virtue of this act, their goods and effects are to be seized, and sold by order of the quarter sessions, and the overseers to be accountable to the quarter sessions, for as much money as they shall receive by virtue thereof. The same question again occurs: Is this act in use, have the quarter sessions many applications grounded on this act, or how is this part of an overseer's business which frequently comes in practice, carried into execution?

In the 9th year of this King's reign, a very material regulation was made in the poor laws, the necessity of which, the preamble states to have arisen from the following cause, 9 *Geo. I.* c. 7. "Whereas, under color of the proviso of an act passed in the the 3d and 4th years, of the reign of King William and Queen Mary, many persons have applied to some justices of peace, without the knowledge of any officers of the parish, and thereby upon untrue suggestions and sometimes on false and frivolous pretences, have obtained relief which hath greatly contributed to the increase of the parish rates. It therefore enacts, that no poor person shall be relieved by a justice of peace, until oath made of a reasonable cause, and that the pauper hath applied to the parishioners for relief at a vestry, or other public

public meeting, or to two overseers, and until such justice hath summoned the overseers to shew cause, and that the relief granted shall not continue any longer than the cause continues, and creates a penalty of 5*l.* on the overseer for non-observance; from this act also, general work-houses take their rise, and it also deprives the poor of their right to demand relief, if they refuse to be lodged, kept and maintained in such house, but there is not a single reflection in the act, on the insufficiency of 43 of Elizabeth; it only attempts to remedy evils as they arise; and to invent effective checks, to the cunning and impositions of needy people, and the partial affections of parish officers.

Another seven years experience of the wisdom of the legislature in the latter part of the reign of Elizabeth, added a further sanction to its usefulness and respectability, when a kind of rider was tacked to an act which in general regulated quite different matters; except Sections, 9, 10, 11, 12, which in some measure respect the poor, but neither directly or by implication charge this excellent Statute with insufficiency; the act alluded to is the 2*d* of *Geo. II. c. 29*, which in those Sections, respects the licensing of ale-houses, and retailers of spirituous liquors; and prohibits unlawful games, but otherwise contains nothing within the tenor of these observations, nor are the 8*th* and 9*th* Sections of 3 *Geo. II. c. 29*, properly subject to these animadversions; as  
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they only regulate the act of 8 and 9 *W. III.* which relates to certificates.

Fourteen years after the date of this last mentioned act, new restrictions were found necessary to keep the parish officers within the pale of honesty, and impartiality, and the legislature passed an act in the 17 *Geo. II. c. 3.* the preamble of which states: "Whereas great inconveniencies often arise in cities, towns corporate, parishes, townships and places, by reason of the unlimited power of the churchwardens and overseers of the poor who frequently on frivolous pretences and for private ends make unjust and illegal rates, in a secret and clandestine manner, *contrary to the true intent and meaning of a Statute made in the 43d year of the reign of Queen Elizabeth*, intituled an act for the relief of the poor;" to remedy which, this act directs the poors' rates to be published in the church, and that the inhabitants shall have liberty to inspect and take copies of them.

The fifth chapter of the Statutes of the same year, relating to rogues, vagabonds, disorderly persons and houses of correction, calls for no part of our present attention, nor does the thirty-seventh chapter, which respects disputes in parishes where there are improved wastes, and marsh lands; only it may be observed that these acts, if *not put into execution*, ought not to be deemed *ineffectual*.

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We proceed now to an act of parliament, the preamble to which seems, at first glance, to throw off somewhat of that reverence hitherto paid, uniformly to the wisdom of Elizabeth's reign; but although it is stated in the preamble: "that by reason of some defects in an act made in the 43d year of her reign, entituled an act for the relief of the poor, the money raised for that purpose is misapplied, and there is often great difficulty and delay in raising the same:" It will be apparent to whoever peruses the Sections which follow the preamble, that it is not the wisdom or prudence of the act, which the legislature calls in question; but the honesty and uprightness of those who are directed to put it in execution; the spirit of 17 *Geo. II. c. 38.* does not proceed on any appearance of deficiency of judgment in the framers of this corner stone of the poor laws, but on the necessity of meeting the evasions, subterfuges, knavery and delay, of the church-wardens and overseers; the only omission in the judgment of our forefathers seems to have been that they did not foresee with the eye of prophecy, the additional cautions and provisos which experience would prove necessary for enforcing honesty, after the lapse of near a century and half.

No other Statutes through the remaining part of his late Majesty's reign, except one in the 31st year, *cap. 11.* respects the regulation of the poor, and that, being a regulation as to the settlement of  
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parish apprentices and of servants employed in husbandry, does not fall under the scope of these observations ; having, therefore, inserted every Section in the 43d of Elizabeth, with some strictures on them respectively, and having noted the several Sections in the subsequent Statutes to the end of the reign of his late Majesty, which immediately relate to the *employment and relief* of the poor, and conceiving, as the enquiry is directed to the efficacy of the code of laws which has had the sanction of *experience* with respect to these objects, it would be futile to extend any observations to acts of parliament which became the law of the land so lately as the present reign ; having also suggested the propriety of a general enquiry throughout the kingdom whether they are all, or any of them, enforced, or in use, before a preamble to a new code of poor laws declares the old to be insufficient, which it is apprehended is the usual declaration in a preamble to an act of parliament, which either actually or virtually abolishes an existing Statute and enacts a new law ; indulgence is now entreated for a few observations on the wisdom apparent in the general plan and design of this excellent and respectable Statute, on the attention the legislature of that prudent reign paid to the unity, consistency, and efficacy, of every distinct part of it, and the reverence which future parliaments have uniformly treated it with.

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It is apparent that the principle design and scope of the act was the *employment* of the poor, to this object every part of it is directed. They must work to live, the wisdom of our ancestors said, and their humanity told them, that if illness, accident, or age, rendered individuals unable to support themselves by their work, the deficiency ought to be supplied by their more opulent fellow citizens; these principles form the spirit and soul of this act of parliament, and the different Sections minutely and distinctly point out and direct, the means of carrying this idea into execution.

Aware that human nature is liable to err, and that the probability of individuals doing wrong, bears some proportion to the temptation they are liable to, the first Section is framed with particular caution; almost all the power and authority created by the act is thrown into the hands of the neighbouring justices, not, it is apprehended, that the Parliament thought magistracy infallible, but that they were farther removed from the temptation, partially to raise, or improperly distribute, the fund intended to be levied by the act, than were the overseers or churchwardens, who might be more intimately concerned in interest or affection with the neighbouring poor, among whom they lived, and with whom, many of them were, probably, connected by ties of consanguinity or affection; on  
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which account, two or more justices of the peace of the county were directed to nominate the churchwardens and overseers, who are with *their consent* to take order for the doing what is directed by the remaining part of the Section.

The 2d, 3d, 4th, and 5th Sections proceed with the same caution, and subject the overseers to the same controul; but as it was conceived the neighbouring magistrates might not be infallible, the 6th Section gives an appeal to the quarter-sessions.

The jealousy of our ancestors that the humane and charitable provisions in the act might be misapplied, and the almost prophetic foresight they possessed, that in future ages they might be extended to lengths, in those days scarce credible, and become, through the inattention of some, and interested designs of others, a serious burthen to posterity; occasioned them to guard with great caution every avenue to improper, or partial distributions of the public money, and to take care, by Section the 7th, that the principle of natural affection should first discharge its duty, before common and general charity should be admitted to operate; for this purpose it is enacted that parents and children of the poor, of sufficient ability, should relieve each other at their own charges, and at that rate which justices of quarter-sessions should assess.

The Sections 8 and 9 which respect particular parishes, are planned with the same good sense, and

worded with the same clearness and precision, as the preceding and subsequent clauses.

Another striking feature and leading principle of the act seems to have been the acquisition of an increase of revenue to the poor, by the forfeitures arising from omissions of duty, and commissions of offences, against the spirit and sense of the institution ; knowing that in proportion as parish-officers or magistrates were remiss or partial in carrying the act into execution, the revenue would stand in need of an increment which they conceived it was but just to raise from their offences ; in consequence of which, we see in the preceding Sections, penalties of 20s. to be paid by the church-wardens and overseers for omissions in the execution of their duty ; and by the 10th Section, the justices are fined five pounds for their default, in not naming the overseers at the time, and in the manner directed by the act ; which are large and severe fines if estimated at the proportional value of money in the very dawn of the seventeenth century, and tend to prove that this was in idea ; and that it formed part of the grand object and design of the legislature is also apparent from the 11th Section, which directs the uses to which the forfeitures incurred by neglect of, or offences against the act, are to be applied ; and which if levied with strictness, would amount to a very considerable sum, or would occasion us more sensibly to feel the good policy of the act, by a due and exact execution of it.

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The three following Sections, viz. the 12th, 13th; and 14th, shall be passed over, as not immediately relating to the employment and relief of the poor, but more properly may be classed under the article of county expences, the fund for which, was then raised as directed in the act, by a different rate, although it is now blended with, and forms part of the disbursements of the sum raised by the poors' rate; but the comprehensive and wise spirit of the legislature, and their very extensive plan of charity shines out in their direction for the application of the overplus, (if any) after the sums directed by the justices by virtue of the act to be applied to the prisons of the King's-Bench and Marshalsea, and to the hospitals and alm-houses in each county are paid; which overplus is, by the fifteenth Section, directed to be at the discretion of the magistrates at their quarter-sessions, distributed for the relief of those who have sustained losses by fire, water, the sea, or other casualties.

The other Sections of the act, which declare the time when it shall begin to have effect, regulate the choice of parish-officers in the extraparochial island of *Fowlness*, direct the defendant's plea to an action of trespass brought against him, and the costs attending suits at law commenced in consequence of the act, need not be particularly descanted on. It will be sufficient generally to observe, that the same wisdom and good sense in the substance, and the



same plainness, distinctness and precision in the language, pervade every sentence of this *chef d'oeuvre* of our forefathers policy with respect to the regulation of the poor.

It may be proper to acknowledge, that the author of these pages has seen and perused Mr. Gilbert's plan, and also his Considerations on the intended Bills for the better employment and relief of the Poor; and that no one can be impressed with a more exalted opinion of the integrity, abilities, and industry, all which are apparent in the attempt itself, of that most respectable mover of the intended alterations, than him who here strives to defend the laws and plan delivered down on this subject by our forefathers; but we do not join issue on facts; the intended preamble to Mr. Gilbert's act declares, "that the laws provided for the relief and employment of the poor though wisely calculated have been *grossly perverted*." The leading supposition of this tract is, that on enquiry it will appear *they have not been enforced*, but remain a dead letter; let the fact turn out as it may—suppose they have been perverted; perversion of a rule is no argument against it, for if ill arises from thence, it is a tacit proof that it would not from a due execution of the rule: the remedy for this disease, is to enforce a strict execution; not an abrogation,

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In page 17, of Mr. Gilbert's Considerations on these Bills, is seen, with concern, an assertion, that a dictum of Lord Mansfield, who is not improperly called the *Oracle* of the King's-Bench (if the word *oracle* is taken in its fullest sense) quoted from Burrows's Reports, which says, that the Statute of C. II. is founded on a mistaken policy; together with a greater authority than this; the voice of time and experience has shown incontestably, that such a system as is the *reverse* of the 43d of Elizabeth, will more certainly answer the great purpose of maintaining and employing the poor; and several instances follow of the united parishes in the counties of Norfolk and Suffolk to strengthen this idea: to the *reported dictum* of Lord Mansfield, will it be permitted to oppose the *written opinion* of one of the best Judges of our Laws and Constitution that ever sat in the Court of King's-Bench, the late Commentator on the Laws of England, who says, in his 4th vol. p. 432, " a plan was formed in the reign of Queen Elizabeth, more humane and beneficial than even feeding millions, by affording them the means, with proper industry, to feed and cloath themselves. And the farther any subsequent plans for maintaining the poor have departed from this institution, the more impracticable and even pernicious their visionary attempts have proved," and also the ideas which the Honourable Daines Barrington has in his observations of the more antient Statutes

thrown out on this subject; an authority which on account of the high character of the writer every one must feel the weight of; who, among other very strong commendations of the present code of poor laws, says, "the principles are, that every one capable of working shall be employed, and that he who is incapable shall be relieved and supported by the parish. Are not, therefore, these beneficent and humane attentions to the miseries of our fellow creatures, the first of those poor pleas which we are capable of offering, in behalf of our imperfections to an all-wise and merciful Creator?" And is it presumption to advance in opposition to whatever it may be, which Mr. Gilbert calls *the voice of time and experience*? The constant and uniform voice of parliament, which as has been noticed in these observations, has treated this corner stone of our poor laws for a course of above a hundred and fifty years with reverential attention; and may it be with propriety observed, that a strict execution of the 1st Section of the 43d of Elizabeth; that is to say, the taking order for setting to work the children of such whose parents shall not be able to keep and maintain them, and also all such persons who use no ordinary or daily trade of life to get their livelihood, and raising a convenient stock of flax, hemp, wool, thread, iron, and other necessary ware and stuff to set the poor at work, are, it is apprehended, the chief and most efficacious means

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the managers of the poor in these united parishes have found for affecting the advantage which has been proved to arise in the examples mentioned, and which instances are consequently a strong argument for putting in force and not abrogating this excellent Statute.

On another point also, and which affects the main spring of the intended alteration, must a doubt be ventured, and all doubts which tend to oppose it should be introduced with deference and caution; for it must be confessed, that differing in opinion on ground so perfectly well known as the subject of the poor laws is by Mr. Gilbert, resembles treading on ashes which conceal fire. The doubt is at present founded on apprehension only; on apprehension, that taking the management entirely from the yeomen, the tradesmen, the mechanicks, and manufacturers, who form the middle class and rank of people in the country, and in fact immediately govern and regulate the opinions of the multitude, and the reduction of their former office of trust and authority to that of a meer receiver, will alarm their pride as well as their interests, and with some reason, for it will be treating them almost in the same manner as the Roman law did those who were mad, prodigal, deprived of their intellects, deaf, mute, or subject to a continual disorder, to such—"quia rebus suis superesse non possunt, curatores dandi sunt:" and it is much to be feared, that so material

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an alteration of the persons who have the immediate controul over the poor, and who have for near two hundred years been their overseers, and as such their advisers, their employers, and in some degree their patrons, and as the poor may probably conceive their benefactors also, will create popular discontents which are not likely to be mitigated by the good and peaceable advice of those who think they have done nothing to forfeit the management of that revenue, which, they will say, is immediately taken out of *their* pockets ; but on the contrary, it is to be feared they will rather fuscitate the flame of discontent, than attempt to extinguish it ; the consequences resulting from which, may universally disturb the internal peace and quiet of the kingdom, as far as the 43d of Elizabeth has force and effect, and create jealousy and ill temper in that very considerable part of the community, among whom now reigns confidence and content, although, alas ! too much mixed with dissipation, and its companion poverty.

It is a remarkable circumstance, and which is not likely to be experienced in any other plan of policy, that has been in constant use throughout a great and enlightened kingdom for so long a time, that a rule of conduct with respect to any branch of the internal police, should so thoroughly have stood the test of experience, from the date of the Statute to the end of the reign of his late Majesty ;  
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and no defects be discovered in it, but such as arose from the virtue of the times, when it became a law which did not foresee that such a superabundant caution would be necessary to guard against the evasions or dishonesty of mankind, as present experience proves are insufficient for the purpose; more especially as the speculations of many good and distinguished persons, such as Lord Hale, Sir Josiah Child, and others, have offered schemes of reform or suggested partial corrections; surely such a test stamps a kind of sanctity on the act, which no new code will for ages be able to command. And it is also observable, that there has been an apparent attention of the legislature throughout the whole of this period, to co-operate with the idea of increasing the revenue for the use of the poor from the fines and penalties arising from a breach of the several Sections in the 43d of Elizabeth, and also to enforce the general observance of the poor laws, and to guard and controul the management of the revenue to be raised for their benefit by pecuniary mulcts, the application of which, has uniformly been directed to the use and benefit of the poor.

Permit then, in this place, an anticipation of the answer to an enquiry, which is proposed should pervade every part of the kingdom subject to these laws.—Let it be supposed, that the general information resulting from such an enquiry is, that the  
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rules and orders of the legislature contained in these Sections, have not been enforced—that they are at this time no where in constant use—that not any, or very few of the penalties have been levied—and that in general, no stock is raised for the poor to work up, consequently no regular employment for them :—no money to build them habitations—no encouragement to industry and population—that the money which is raised for their relief, is laid out as the overseers chuse, and as their interests or connections influence them ; all which circumstances have a tendency to keep the poor in habits of idleness and dissipation ;—that no controul is exercised over the minutiae of the overseers' accounts by the magistrates who sign them, as it were ministerially only, and not judicially—that in those instances, where the carelessness, or interests of the parish-officers, occasion a breach, or neglect, of these prudent rules and regulations, which the legislature intended should be in some degree repaired, and some amends made to society, and in particular to the fund for the employment and relief of the poor, by the fines and penalties, to be levied as an atonement for such offences, no such fine is ever levied, from the pauper himself, up to the magistrate ; of course, that the laws have not in fact the benefit of a penal sanction :—If such is the general answer throughout the kingdom ; and particular instances of wise, discreet, and strict management of the poor, according  
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to the laws, will only shine out as so many honourable exceptions to the supposed general information; surely, the wisdom and integrity of parliament precludes them from framing new laws, on account of the insufficiency of the old; and with much greater regard to the sacred rules of legislation, should the legislature resolve to give the present existing code a trial for a few years, by a strict and impartial levying of the fines incurred, by a breach of any one of these established regulations; the means to effect which, shall be the next topick to be considered.

That the vindicatory sanction of laws is the efficient, if not the sole means government has to enforce a due observance of any regulations it may think necessary for society, appears to have been uniformly the opinion of all legislators; that this opinion has been founded on facts, in all ages and in all climes and constitutions history proves in every page; that this sanction has operated to this effect in this kingdom, constant experience has universally proved; and that none other, not even the fear of meeting the correction of an avenging Deity, has had an equal influence over the passions and desires of man, in restraining them from a breach of the rules of right and justice, or the more sacred behests of an enlightened religion, when their wordly interests are concerned; the deplorable lengths to which perjury is carried, when not within the pale of the vindicatory sanction of our laws,

too plainly testify ; but what avails this sanction, if not in use ? What avails the spirit of our laws if not enforced ? Nothing. The end, therefore, desired is a due and strict execution of the existing laws—the means must be considered.

It may be observed throughout this deduction of the code of laws for the employment and relief of the poor, from the first corner stone to the last addition to the building which has been subject to these strictures ; that the magistrates are uniformly entrusted by the legislature with the execution of these laws, and for this purpose are armed with the power of punishing transgressions against them ; but are the magistrates in their petty-sessions respectable enough in number and consequence to exercise impartially and strictly, the great authority they are trusted with ? Would it not create them much trouble, some enemies, and be productive of consequences which would disturb the tranquility of a country life ? And do the accounts of the parish-officers come before them, or the matters relative to the general management of the poor, often enough for them to overlook and form an exact judgment of the minutiae of their accounts, and expenditure ? If the answer is a negative to these questions ; an assertion may be ventured, that by a more numerous magistracy, the odium as well as the trouble would be divided ; besides a more respectable acting magistracy in point of property, would carry a greater authority,



thority, and their duty, which if executed properly, is a serious and troublesome business, being more in a line with their interest, as it would tend to a reduction of the poors' rates, and consequently to keep at a level, if not raise their rentals; they would not grudge the time it detained them from their more favourite rural avocations.

It is taken for granted that the commission of the peace is filled with the names of the principal gentlemen of property in each county, either at their own desire, or the express or indirect solicitations of their friends; or at least, that it is a compliment paid by the Lord Lieutenant to those gentlemen who are esteemed the most proper for the office, and by whom such a mark of distinction, it is apprehended, will be received with complacency; the being enrolled in the commission of the peace, as men of sufficient integrity, abilities, and importance, to be trusted with the execution of the variety of laws, over which, justices of the peace preside; flatters the principles of pride and self-importance, which are natural to the human breast; yet few of these gentlemen, whose dignity is thus consulted by the Lord Lieutenant, ever make any return to the community for this confidence which is placed in them, by taking the trouble and responsibility on themselves of the duties incident to the office; here then is a fair source, either of assistance towards a more exact execution of the  
poor

poor laws, or of an additional revenue to enable the public better to bear the encreased and encreasing burthens of the poor rates, arising from the negligent manner of enforcing the laws for their employment and relief; suppose then a bill to be passed for a *more strict enforcing the 43d of Elizabeth* and the subsequent Statutes for the employment and relief of the poor; of which the following may be the substance of the preamble, and the general skeleton of the bill, in which very great allowance it is to be hoped will be made for the crude and indigested form and substance it contains.

*Preamble.*

WHEREAS many excellent rules and regulations respecting the employment and relief of the poor, have, at different times, from the 43d year of the reign of Queen Elizabeth to the present session of parliament passed into law under the stile and title of [here insert the titles of the different Statutes respecting the poor laws] most of which, through the artifices and designs of some, and the indolence and inactivity of others, are either perverted, or fallen into disuse, and not carried into execution, by means of which, the poors' rates are become an encreased and encreasing burthen to the subject, and the said rules and regulations have been strengthened and enforced by penalties, which are directed by the said acts, to be applied in aid of the money  
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to be raised for the relief of the poor ; which penalties, although often incurred, are seldom or ever levied ; contrary to the true intent and meaning of the several Statutes in that behalf. And whereas the names of many are inserted in the commission of the peace in every county throughout England, who do not take on them the office of magistrate, although enrolled therein for that purpose, by reason of which their country is deprived of their services in that respect, and the burthen of the execution of the poor laws, falls too heavy on those who are now acting in that responsible situation in their respective counties, which, it is apprehended, is one of the causes why the said laws are not properly carried into force and effect ; for remedy whereof, and to the end that there may be a more numerous, respectable, and efficient magistracy throughout the kingdom, to carry the said acts of parliament into strict and impartial execution—and that those appointed by the laws may do their duty in that respect, or that some benefit may arise to that branch of the revenue, over which they are deputed by the aforesaid acts of parliament to preside, in compensation, as far as may be, for their offences from whatever cause they may arise, against the true intent and meaning of the said acts.—May it please your Majesty that it be enacted—

That all whose names are inserted in the commission, do pay towards a fund to be instituted for

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the employment and relief of the poor 20s. per month, until they qualify themselves for acting as justices of the peace, and sue out his Majesty's writ for that purpose.

That the justices of the peace do meet the week before each quarter-sessions for the county, at some convenient place in their respective hundreds or districts, minutely to inspect and regulate the accounts of the overseers for the preceding quarter, and whatever magistrate shall be absent from such meeting, shall pay 20s. for each absence.

That the overseers bring their accounts properly made up article by article, in a book to be kept for that purpose, to such meeting, under an equal or larger penalty.

That at such meeting the justices do make enquiry particularly in what instances the overseers have in their respective parishes offended against the laws, for the employment and relief of the poor, either by commissions of offences, or omissions of duty, and that they do return such offences and the names of such offenders, and the names of such magistrates and overseers as are absent, to the next general quarter-sessions, with an order for the overseers so offending to attend.

That the said quarter-sessions do direct the said penalties incurred by virtue of *this act* to be levied on the several offenders, admitting of no excuse but illness, attested properly, and do likewise hear what  
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the said overseers so attending have to say why the penalties incurred by them under the said several acts of parliament for the employment and relief of the poor, should not be levied, and do accordingly order such as they shall think are incurred to be levied in the manner prescribed by the said several acts; and the whole amount to be paid by the high constable of each hundred into the hands of the clerk of the peace, and that an account of the sums received by him, be kept in a book for that purpose.

That the grand jury at every assize for the county, be directed to receive an account from the clerk of the peace, of the sums due from those who may have omitted to qualify, and to order the money due, to be levied in the usual manner, and to be paid to him.

That the produce of all the said penalties be laid out in the purchase of government securities in the name of the grand jury of each county, the account of which to be kept by the clerk of the peace, subject to their inspection and controul. The dividends due on which, together with the sums which may arise every quarter in the same manner, to be laid out quarterly, if there shall be sufficient for the purchase of fifty pounds stock, during the continuance of this act—then to await the further direction of parliament.

This act to continue for seven years, and that during the said period, the poors' rates shall not exceed the medium of the last three years.

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The effect of an act of parliament framed on such, or similar principles, would, in the course of seven years, if strictly enforced, convince the nation by experience, that the present code of poor laws, either is, or is not sufficient for the purpose. If it is found adequate, or, that only some inconsiderable alterations are wanted, let it still remain with such necessary amendments, the law of the land; but if such experience proves, that it is not equal to the purpose, then may the alteration now proposed by Mr. Gilbert, or any other which may be approved of by the legislature, take place without so much danger of creating discontents among the lower orders of the state; who have eyes to see, ears to hear, and sense to understand, more especially those dictates, that experience, which ought to be the foundation of precept, feelingly inculcates on their minds; besides, some fund would arise in the mean time, the value of which would be inversely proportioned to the strictness with which the laws would be executed, and which might lay an humble, but sure foundation, for a revenue that in time would operate with equal certainty, and proportional effect, to meet the burthen of the poors' rates; as does that wise and patriotic plan of our present minister, to meet the national debt; unless it pleased the wisdom of parliament to apply it at the end of the term, towards the expence of those buildings which Mr. Gilbert's plan makes necessary in each district.

F I N I S.





